IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 34026 of 2003(A)

PETITIONER:

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1. S.RAGHAVAN,
SREE RAGHAVA NIVAS, THOTTEKKADU LANE, MATTOOR,
KALADY-683574, WORKED IN LAST GRADE STAFF,
SREESANKARA COLLEGE, KALADY.

2. A.P.NANDAKUMAR,
ALADY HOUSE, IRINGOLE P.O., PERUMBAVOOR-683548,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

3. K.SUNNY PAUL,
KANDAMANGALATHAN HOUSE, MANJAPRA P.O., ANGAMALY,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

4. P.N.PADMAKUMAR,
PALAMATTATHU HOUSE, ASHRAMAM ROAD, KALADY,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

5. P.V.GEETHA,
CHEARATTIL HOUSE, POTHIYAKKARA, YORDHANAPURAM,
KALADY, WORKED IN LAST GRADE STAFF, SREESANKARA
COLLEGE, KALADY.

6. K.A.ANIES,
VALLOORAN HOUSE, POTHIYAKKARA, YORDHANAPURAM,
KALADY, WORKED IN LAST GRADE STAFF, SREESANKARA
COLLEGE, KALADY.

7. T.S.SHIJU,
THENOOR HOUSE, PARAPPURAM, KALADY,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

8. THOMAS P.A.,
PARACKA HOUSE, MATTOOR, KALADY,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

9. A.M.SINI,
ADATHU HOUSE,PULIYANAM, WORKED IN LAST GRADE STAFF
SREESANKARA COLLEGE, KALADY.

10. P.V.ELSY,
KALLUNGAL HOUSE, MATTOOR, KALADY,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

11. M.O.MOLY,

MUTHANTHOTTIL HOUSE, MALAYATTOOR,
WORKED IN LAST GRADE STAFF, SREESANKARA COLLEGE,
KALADY.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR

RESPONDENTS:
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1. STATE OF KERALA,
   REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVT.,
   HIGHER EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
   VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, ERNAKULAM.

4. THE PRINCIPAL,
   SREE SANKARA COLLEGE, KALADY.

5. SREE SANKARA COLLEGE, KALADY,
   REPRESENTED BY ITS MANAGING DIRECTOR, P.B.NO.1,
   KALADY, PIN-683 574.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
GOVERNMENT PLEADER SMT.LAKSHMI RANI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/3/2007, THE COURT ON THE S AME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1:
COPY OF ORDER OF APPOINTMENT OF FIRST PETITIONER DT. 5/6/01.

EXT.P2: DO. OF SECOND PETITIONER DT. DO.

EXT.P3: DO. OF THIRD PETITIONER DT. 11/6/2001.

EXT.P4: DO. OF 4TH PETITIONER DT. 5/6/2001.

EXT.P5: DO. OF 5TH PETITIONER DT. 1/11/2001.

EXT.P6: DO. OF 6TH PETITIONER DT. 6/6/2001.

EXT.P7: DO. OF 7TH PETITIOINER DT. 1/8/2001.

EXT.P8: DO. OF 8TH PETITIONER DT. 5/6/2001.

EXT.P9: DO. OF 9TH PETITIONER DT. 5/6/2001,.

EXT.P10: DO OF 10TH PETITIONER DT. 5/6/2001

EXT.P11: DO. OF 11TH PETR. DT. 1/8/2001,

EXT.P12: COPY OF AGREEMENT DT. 11/6/2001.

EXT.P13: COPY OF LETTER OF R4 DT. 12/9/2001.

EXT.P14: COPY OF RELIEVING ORDER DT. 30/4/2002.

EXT.P15: COPY OF STATEMENT DT. 23/1/2002.

EXT.P16: COPY OF ORDER DT. 21/3/2003 OF R2.

EXT.P17: TRUE COPY OF GO.O. DT. 20/7/98.

EXT.P18: TRUE COPY OF G.O. DT. 17/9/2004.

EXT.P19: TRUE COPY OF ORDER DT. 6/2/2006.

RESPONDENTS' EXHIBITS:

EXT.R4(A): TRUE COPY FO ORDER DT. 17/4/1991.

EXT.R4(B): DO. DT. 22/2/2000.

EXT.R4(C): DO. DT. 3/7/2002.

EXT.R4(D): TRUE COPY FO LETTER DT. 2/1/2003.

EXT.R4(E): TRUE COPY OF REPLY TO EXT.P16.

A.K. Basheer, J.

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W.P(C) No. 34026 of 2003-A

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Dated this the 12th day of March, 2007.

J U D G M E N T

Learned counsel for the petitioners confines his prayer only to issue a direction to respondent No.2 to consider the question whether there was excess staff in the category of last grade servants in Sree Sankara College at Kalady at the time when the petitioners were appointed. It is submitted by the learned counsel that the above question may be directed to be considered with specific reference to the staff pattern as it prevailed in the year 2001 when the petitioners were appointed.

2. Learned counsel for respondents 4 and 5 submits that necessary records will be made available before respondent No.2 at the time of hearing to solve the issue.

3. In view of the limited prayer made by the learned counsel, I do not deem it necessary to refer to the various contentions raised either by the petitioners or respondents 3 and 4. However it may have to be placed on record that respondents 1, 2 and 3 in their counter affidavit have specifically contended that the petitioners were appointed in the college when the staff strength in the college was in excess. Anyhow, these are all matters which may have to be addressed afresh by the authority concerned.

4. In the above facts and circumstances Ext.P16 order is quashed,. The writ petition is disposed of with a direction to respondent No.2 to reconsider the matter afresh and pass orders strictly

on the merit of the contentions raised by the petitioners and in accordance with law. It must be ensured by respondent No.2 that the question whether the orders of appointment of the petitioners are liable to be approved or not must be considered in the light of the staff pattern sanctioned for the year 2001. Needless to mention that an authorised representative of the petitioners apart from respondents 4 and 5, shall be afforded sufficient opportunity to be heard. Respondent No.2 shall pass orders in the matter as expeditiously as possible, at any rate within 4 months from the date of receipt of a copy of this judgment.

Petitioners shall produce a certified copy of the judgment along with a copy of the writ petition with Annexures and counter affidavits before respondent No.2 for compliance.

A.K. Basheer
Judge.

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